

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL MISC. APPLI. NO. 164 OF 2016

WILIAM GICHUNGU.....PLAINTIFF/ APPLICANT

- V E R S U S -

OCS PANGANI POLICE STATION.....1ST DEFENDANT/RESPONDENT

INSPECTOR GENERAL OF POLICE.....2ND DEFENDANT/RESPONDENT

RULING

1) In the motion dated 14th April 2016, William Gichungu Kiarie, the Plaintiff/Applicant herein is seeking for an order to direct the Officer in Charge of Station (O.C.S) Pangani Police Station and the Inspector of Police the 1st and 2nd Defendants/Respondents to release motor vehicle registration no. KBL 638K to the applicant. The motion was served but the Respondents did not deem it fit to file a response hence this court permitted the applicant to prosecute the motion exparte.

2) I have considered the grounds set out on the face of the motion and the facts deponed in the supporting affidavit plus the oral submissions of Miss Nyaberi, learned advocate for the Applicant. It is clear from the submissions and the material placed before this court that the applicant bought motor vehicle registration no. KBL 638K from an auction held at Pangani Auction Centre and conducted by Lifeline Auctioneers.

3) It is the averment of the applicant that the O.C.S Pangani police station impounded the aforesaid motor vehicle with no good reason at all. These averments have not been controverted. I find no reason to doubt their veracity. Consequently the motion dated 14.4.2016 well founded, it is allowed in terms of prayer 2 with no order as to costs.

Dated, Signed and Delivered in open court this 5th day of May, 2016

J. K. SERGON

JUDGE

In the presence of:

..... for the Applicant

..... for the Respondent